

Order

Michigan Supreme Court
Lansing, Michigan

September 24, 2008

Clifford W. Taylor,
Chief Justice

133362

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 133362
COA: 273538
Macomb CC: 05-004877-FH

MUTHANA MATTHEW SAIF,
Defendant-Appellant.

By order of July 18, 2007, the application for leave to appeal the January 16, 2007 order of the Court of Appeals was held in abeyance pending the decision in *People v Cannon* (Docket No. 131994). On order of the Court, the case having been decided on June 4, 2008, 481 Mich 152 (2008), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether points for predatory conduct may be assessed for Offense Variable 10, MCL 777.40(3)(a) [exploitation of vulnerable victim], where the victim is a police decoy, and, if so, whether a defendant's intent to commit other offenses and his entire course of conduct may be considered as "preoffense" conduct for purposes of assessing points for predatory conduct under this Court's decision in *People v Cannon*, *supra*.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 24, 2008

Corbin R. Davis

Clerk